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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,094	07/10/1998	KIA SILVERBROOK	IR14US	7673

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EXAMINER	
YE, LIN	

ART UNIT	PAPER NUMBER
2612	17

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/113,094	Applicant(s) SILVERBROOK, KIA	
	Examiner Lin Ye	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9/17/03 have been fully considered but they are not persuasive as to claims 1-4.

For claims 1-2, the applicant argues that examiner admits that Vogel does not disclose the capturing of "rapid successive pictures". The examiner disagrees. The applicant should noted examiner only admits the Vogel references does not explicitly state exact time, for example "within a second" for the image sensor to sense a second image from first image in claim 2. The means of "rapid successive pictures" is so broad that does not define exact time from first picture to second pictures. This can be considered as the camera can take multiple pictures which is well known in the camera art. The Vogel reference discloses that using the data from matrix coefficient memory (36) for color correction on captured images. The system has to capture first (test) image by using the color chart (72) under the specified illuminant (74) to determine color characteristics of first image as shown in Figure 7 (See Col. 7, lines 28-52). It stores color characteristics of the first image to the matrix coefficient memory (36). Next, the system applies color correction (color correction matrix 40) to second image (e.g. or desired images for user) in rapid succession based on the determined color characteristics (matrix coefficient memory 36) of said first image as shown in Figure 4 (See Col. 6, line 18-46). It would have been obvious to one of ordinary skill in the art to see an advantage that the calibration procedure from fist image should be don quickly possible,

so that the user will not miss a chance to take next desired images with a accurate color-correction matrix coefficient data.

2. The examiner is still waiting for Applicant to submit the new marked-up version of the substitute specification and a clean copy of the substitute specification which has been mentioned in Applicant's arguments filed on 9/17/03 in page 5.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel U.S. Patent 5,668,596 in view of McIntyre et al. U.S. Patent 5,894,326.

Referring to claim 1, the Vogel reference discloses in Figures 3-4, 7 and 8, a method of color correcting a sensed image before printing by a digital camera system includes an image sensor device (20) for sensing an image, a digital processor (12) for processing sensed image, and a printer (18 as shown in Figure 8) for printing out sensed image (inherently the printer must have a print head to print image on the printer paper). (See Col. 5, lines 1-45). The digital processor (12) has color correction matrix (40) for color correcting a sensed image to be printed out by printer (18). In order the Vogel's digital camera system (10) to perform the

color correction by using the color-correction matrix coefficients, inherently the system must capture first (test) image and using the color chart (72) under the specified illuminant (74) to determine color characteristics of first image as shown in Figure 7 (See Col. 7, lines 28-52). It stores color characteristics of the first image to the matrix coefficient memory (36). Next, the system applies color correction (color correction matrix 40) to second image in rapid succession based on the determined color characteristics (matrix coefficient memory 36) of said first image as shown in Figure 4 (See Col. 6, line 18-46), and prints out the color corrected image (See Col 5, lines 2-10). However, the Vogel reference does not explicitly show the digital camera system is hand held camera system including the printer.

The McIntyre reference disclose in Figures 1-2, an hand held electronic camera including an optical printer (30) being adapted to be optically coupled to the display when in its print position for producing a hard copy output of the subject represented by the display. The McIntyre reference is an evidence that one of ordinary skill in the art at the time to see more advantages for a hand held camera including the printer, so that by making hard copies directly optically from the display which can be moveable from a print position in the camera body from a user viewable position and whole camera system is more portable and compact. For this reason, it would have been obvious to see the digital camera system is hand held camera system including the printer disclosed by Vogel.

Referring to claim 3, the Vogel reference discloses normalization process (78) exams the intensity characteristics of the first image as shown in Figure 7 (See Col 7, lines 45-52).

Referring to claim 4, the Vogel reference discloses color transformation (79) determines a maximum and minimum intensity of first image and utilizes intensities to rescale the intensities of next image as shown in Figure 7 (See Col 7, lines 53-59).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel U.S. Patent 5,668,596 in view of McIntyre et al. U.S. Patent 5,894,326 and Miyagawa et al. U.S. Patent 6,281,533.

Referring to claim 2, the Vogel and McIntyre references disclose all subject matter as discussed in respected claim 1, except the references do not explicitly state that exact time for the image sensor to sense a second image from first image.

The Miyagawa et al. reference discloses in Col. 19, lines 61-65, clearly states a high performance compact still digital camera system (Figure 25) that can take a number of pictures successively **within a second**. This means the second image is sensed within 1 second of first image. Col. 19, lines 56-58 sets forth the motivation to keep the image readout rate short within 1 second in the digital camera art for reducing power consumption level and a low voltage level and produce high quality pictures with a good S/N ratio. For that reason, it would have been obvious to see Vogel's camera system has this kind of ability.

Conclusion

6. **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Lin Ye
December 3, 2003

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600